

Please docket this notice from Chief Judge McMahon in cases: *Payne v. DiBlasio*, 20 Civ. 8924; *Wood v. City of New York*, 20 Civ. 10541; *People v. City of New York*, 21 Civ. 322; *Sow v. City of New York*, 21 Civ. 533

Counsel:

I now have four matters on my docket relating to the conduct of the NYPD in connection with various demonstrations that occurred in New York City during 2020, that are connected to the Black Lives Matter (BLM) movement and the deaths of George Floyd and other individuals at the hands of law enforcement officials in other jurisdictions. They are

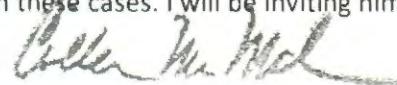
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I preliminarily consolidated these cases for pre-trial purposes. The defendants have moved to deconsolidate Payne and Wood, and the plaintiffs in Payne object to consolidation of their action with the Attorney General's suit, though they do not object to coordinated discovery and joint motion practice on the common issues of law and fact regarding policies and practices of the NYPD that undergird all four of these lawsuits. I note that Wood, People and Sow were all filed as "related cases" to Payne – and so they are, whether they end up being tried together or not – so I anticipate that most pre-trial matters, and certainly discovery, will be consolidated.

I want to conference all four cases initially, so I can get my head around how to manage these cases and start them moving. I want that conference to take place in person – "in person" meaning that no more than two attorneys for each plaintiff and no more than four attorneys for the defendants may be present in my courtroom, masked and socially distanced, at an on-the-record conference. We cannot possibly accommodate all the members of the public who would want to be present at this conference, even with an overflow courtroom; we will provide a call in number for maximum public access.

At present, as you know, we are not holding in person proceedings in the federal courthouses, so the February 5 date that is currently on your calendars will not work. I would like to schedule this proceeding for the week of February 16-17-18-19. As to the exact date, I would prefer to suit the convenience of counsel, so please confer and be in touch with my deputy clerk, Mariela de Jesus, Mariela_DeJesus@nysd.uscourts.gov with suggested dates and times during that week. You should be prepared to discuss anticipated motions, coordinated discovery and the reasons why these cases should or should not be consolidated. If each plaintiff and the defendants would file a letter of no more than three pages summarizing your positions at least five days prior to the conference; you can flesh them out fully at the conference. There really is no need to make a lot of formal procedural motions; I would rather hear you outline your positions and rule from the bench.

Magistrate Judge Gorenstein is the assigned MJ on these cases. I will be inviting him to participate at this conference as well.



Chief Judge McMahon

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